

Clay M. Taylor
 Bryan C. Assink
 BONDS ELLIS EPPICH SCHAFER JONES LLP
 420 Throckmorton Street, Suite 1000
 Fort Worth, Texas 76102
 (817) 405-6900 telephone
 (817) 405-6902 facsimile
 Email: clay.taylor@bondsellis.com
 Email: bryan.assink@bondsellis.com
Attorneys for James Dondero

Deborah Deitsch-Perez
 Michael P. Aigen
 STINSON LLP
 3102 Oak Lawn Avenue, Suite 777
 Dallas, Texas 75219
 (214) 560-2201 telephone
 (214) 560-2203 facsimile
 Email: deborah.deitschperez@stinson.com
 Email: michael.aigen@stinson.com
**Attorneys for James Dondero, Nancy Dondero,
 Highland Capital Management Services, Inc. and
 HCRE Partners, LLC**

Davor Rukavina
 Julian P. Vasek
 MUNSCH HARDT KOPF & HARR, P.C.
 500 N. Akard Street, Suite 3800
 Dallas, Texas 75202-2790
 (214) 855-7500 telephone
 (214) 978-4375 facsimile
 Email: drukavina@munsch.com
**Attorneys for NexPoint Advisors, L.P. and
 Highland Capital Management Fund Advisors, L.P.**

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION**

In re: § **Case No. 19-34054**

HIGHLAND CAPITAL MANAGEMENT, L.P. § **Chapter 11**

Debtor. §

HIGHLAND CAPITAL MANAGEMENT, L.P., §

Plaintiff, §

Adv. Proc. No. 21-03003-sgj §

vs. §

**JAMES DONDERO, NANCY DONDERO, AND
 THE DUGABOY INVESTMENT TRUST,** §

Defendants. §

<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>NEXPOINT ADVISORS, L.P., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03005-sgj</p>
<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03006-sgj</p>
<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03007-sgj</p>

**APPENDIX IN SUPPORT OF DEFENDANTS' MOTION TO STRIKE APPENDIX IN
SUPPORT OF PLAINTIFF'S REPLY MEMORANDUM OF LAW**

Defendants James Dondero, NexPoint Advisors, L.P., Highland Capital Management Services, Inc., and HCRE Partners, LLC file this Appendix in Support of their Motion to Strike Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants, and request the Court take judicial notice of the documents contained herein.

Exhibit	Document	Appendix Page(s)
1	Declaration of Michael Aigen, dated February 25, 2022	App. 1-4
A	Email from J. Morris to M. Aigen, dated February 24, 2022	App. 5-6

Dated: February 25, 2022

Respectfully submitted,

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez
State Bar No. 24036072
Michael P. Aigen
State Bar No. 24012196
STINSON LLP
3102 Oak Lawn Avenue, Suite 777
Dallas, Texas 75219
(214) 560-2201 telephone
(214) 560-2203 facsimile
Email: deborah.deitschperez@stinson.com
Email: michael.aigen@stinson.com
**ATTORNEYS FOR JAMES DONDERO, NANCY
DONDERO, HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC. AND NEXPOINT REAL ESTATE
PARTNERS, LLC**

/s/Clay M. Taylor

Clay M. Taylor
State Bar No. 24033261
Bryan C. Assink
State Bar No. 24089009
BONDS ELLIS EPPICH SCHAFER JONES LLP
420 Throckmorton Street, Suite 1000
Fort Worth, Texas 76102
(817) 405-6900 telephone
(817) 405-6902 facsimile
Email: clay.taylor@bondsellis.com
Email: bryan.assink@bondsellis.com
ATTORNEYS FOR JAMES DONDERO

/s/Davor Rukavina

Davor Rukavina
Julian P. Vasek
MUNSCH HARDT KOPF & HARR, P.C.
500 N. Akard Street, Suite 3800
Dallas, Texas 75202-2790
(214) 855-7500 telephone
(214) 978-4375 facsimile
Email: drukavina@munsch.com
**ATTORNEYS FOR NEXPOINT ADVISORS, L.P. AND
HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on February 25, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on counsel for Plaintiff Highland Capital Management, L.P. and on all other parties requesting or consenting to such service in this case.

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez

Exhibit 1

Clay M. Taylor
 Bryan C. Assink
 BONDS ELLIS EPPICH SCHAFER JONES LLP
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 Fort Worth, Texas 76102
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 Email: clay.taylor@bondsellis.com
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 STINSON LLP
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 Julian P. Vasek
 MUNSCH HARDT KOPF & HARR, P.C.
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 Dallas, Texas 75202-2790
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 FOR THE NORTHERN DISTRICT OF TEXAS
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In re:	§	Case No. 19-34054
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HIGHLAND CAPITAL MANAGEMENT, L.P.	§	Chapter 11
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Debtor.	§	
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HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
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Plaintiff,	§	
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	§	Adv. Proc. No. 21-03003-sgj
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vs.	§	
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JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§	
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Defendants.	§	
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Motion for Partial Summary Judgment Against the Alleged Agreement Defendants, which is being filed concurrently with this Declaration. I submit this Declaration based on my personal knowledge and the documents listed below.

2. Attached as **Exhibit A** is a true and correct copy of an email from J. Morris to M. Aigen, dated February 24, 2022.

Dated: February 25, 2022.

/s/Michael P. Aigen
Michael P. Aigen

Exhibit A

From: John A. Morris <jmorris@pszjlaw.com>
Sent: Thursday, February 24, 2022 10:23 AM
To: Aigen, Michael P.
Cc: Hayley R. Winograd; Rukavina, Davor; Deitsch-Perez, Deborah R.; Bryan Assink; Jeff Pomerantz; Gregory V. Demo
Subject: RE: HCMLP/Dondero: conference on motion to strike

External Email – Use Caution

No.

The reply declaration was a classic reply.

And the stipulation was already on the docket.

Thanks,

John

From: Aigen, Michael P. [mailto:michael.aigen@stinson.com]
Sent: Thursday, February 24, 2022 11:17 AM
To: John A. Morris <jmorris@pszjlaw.com>
Cc: Hayley R. Winograd <hwinograd@pszjlaw.com>; Rukavina, Davor <drukavina@munsch.com>; Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com>; Bryan Assink <bryan.assink@bondsellis.com>
Subject: HCMLP/Dondero: conference on motion to strike

John,
On February 8, 2022, the Debtor filed its Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants (the "Appendix"). As you know, the Appendix contains new evidence and that is not allowed under the applicable rules. Please let me know immediately whether you will agree to withdraw your Appendix or whether we will need to file a motion to strike the Appendix.
Michael

Michael P. Aigen
Partner

STINSON LLP
3102 Oak Lawn Avenue, Suite 777
Dallas, TX 75219
Direct: 214.560.2201 | [Bio](#)

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